USDA Foreign Agricultural Service
GAIN Report
Global Agriculture Information Network
Template Version 2.09

Required Report - public distribution

Date: 7/21/2005

GAIN Report Number: FR5051

France

Biotechnology

Annual

2005

Approved by:
Besa L. Kotati
U.S. Embassy

Prepared by:
Marie-Cécile Hénard

Report Highlights:
France implements EU regulations on agricultural biotechnology, most importantly regulations covering traceability and labeling. In France, a majority of imported products that are labeled "biotech" is soybeans and soybean meal from the United States, Brazil and Argentina. There are almost no food products labeled as derived from biotech available on the market. This is partly due to general hostility and pressure against agricultural biotechnology driven by anti-biotech activists, supermarket chains, and consumer organizations. Pro-biotech voices are timid, and come mainly from the planting seeds industry, the crop protection industry, and public research centers.

Includes PSD Changes: No
Includes Trade Matrix: No
Annual Report
Paris [FR1]
[FR]

Table of Contents

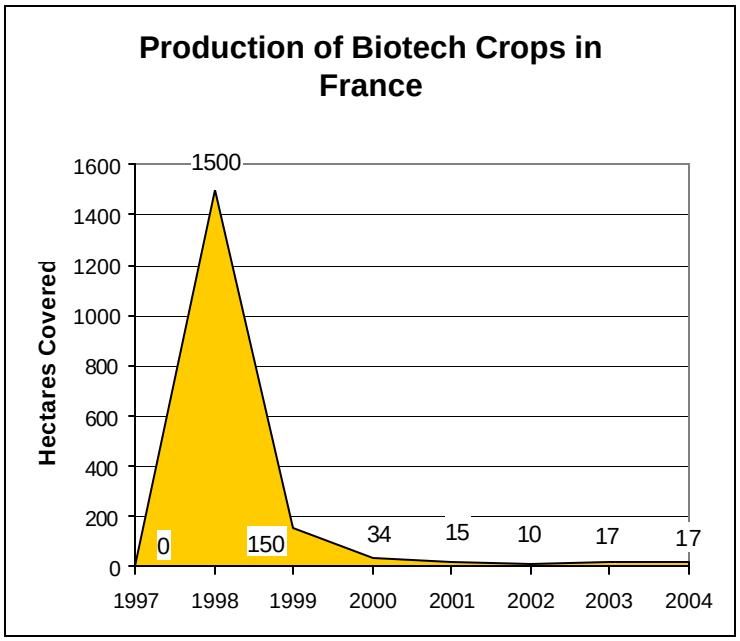
Executive Summary

France implements EU regulations on agricultural biotechnology, most importantly regulations covering traceability and labeling. In France, a majority of imported products that are labeled "biotech" is soybeans and soybean meal from the United States, Brazil and Argentina. There are almost no food products labeled as derived from biotech available on the market. This is partly due to general hostility and pressure against agricultural biotechnology driven by anti-biotech activists, supermarket chains, and consumer organizations. Pro-biotech voices are timid, and come mainly from the planting seeds industry, the crop protection industry, and public research centers.

Biotechnology Trade and Production

Production

In France, except for research related fields planted to biotech crops (corn), commercial biotech crop production is almost nonexistent: 17 ha are currently planted with biotech corn (Mon 810 event). As indicated in the graph below, 1998 was the first year biotech corn was approved for domestic production. It was also the only year of significant biotech production. With no market for domestically-grown biotech corn, due to the reluctance by French processing industry, distributors and consumers, French farmers have all but stopped production.



Open Field Test Plots of Biotech Crops

Under the EU Directive 2001/18, there are 2 categories of biotech crops in open field testing: 'Part B' products to be tested for experimental dissemination into the environment and 'Part C' products to be tested for their release into the environment *for commercial purposes*. The number of Part B products to be reviewed by the French biotech evaluation committee "Commission du Génie Biomoléculaire" (CGB) declined significantly from 100 in 1998 to only 10 this year.

In 2004, the number of 'Part B' files to be examined by the CGB was as low as 11, of which 10 were corn (7 for pest resistance and herbicide tolerance, 2 for herbicide tolerance, and 1 for lignin modification), and 1 dossier for vine grape.

In 2005, all the new open-field testing authorized by the CGB were for corn varieties created by Pioneer, Biogemma (biotech subsidiary of a large French planting seed cooperative called "Limagrain"), and Meristem Therapeutics (pharmaceutical subsidiary of Limagrain). Multi-annual open field testing continued to be authorized for biotech poplar (French Research Institute in Agriculture – INRA), grass (Biogemma), and corn (French planting seed institute – GEVES, Monsanto, Biogemma).
For further information on dossiers in the pipeline in France, please see the French intergovernmental website (information is in French) on agricultural biotechnology: http://www.ogm.gouv.fr/

Trade

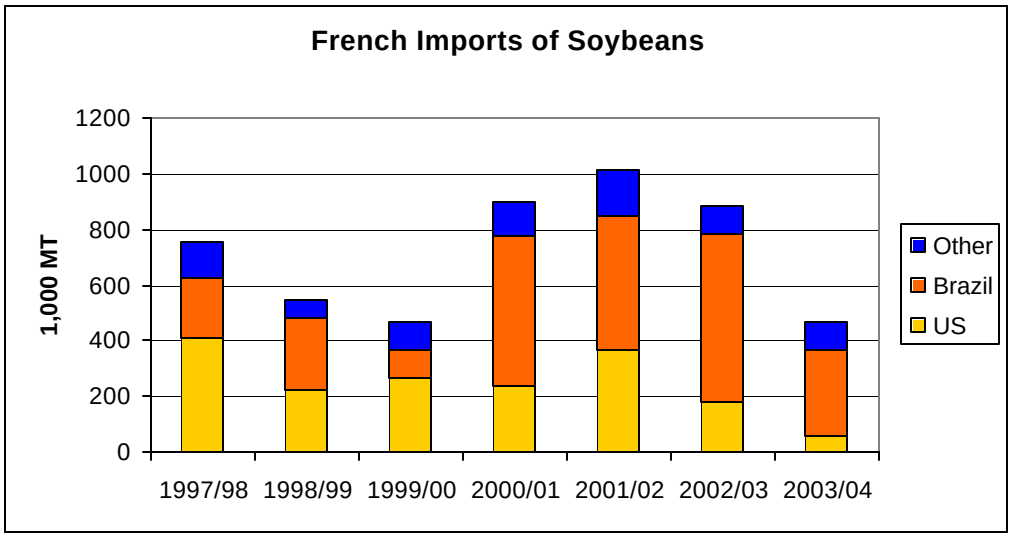
Soybeans and Products

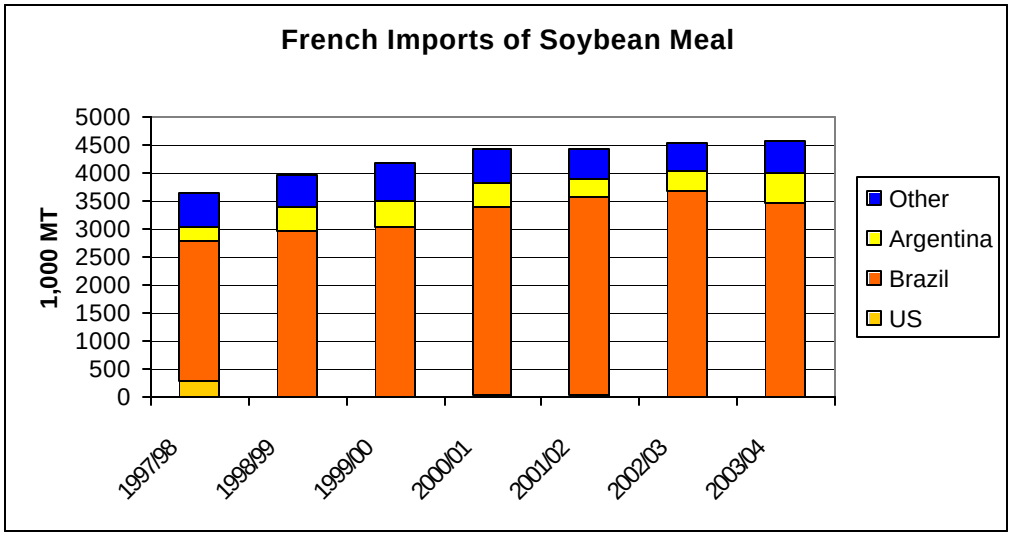
As an EU Member State, France authorizes a number of biotech products for imports under the EU approval process. Most of agricultural biotech imported into France is soybean meal. Currently, soybean meal imported in France can be broken down as follows:

- 75% standard product, not tested, and labeled as containing biotech;
- 5% Hard Identity Preserved (IP) product, which is traced back to the field to guarantee non-biotech in origin; and
- 20% include 3 categories:
    - product labeled as derived from biotech testing below the 0.9% level when PCR-tested,
    - product not labeled as derived from biotech testing below the 0.9% level when PCR-tested, and
    - Soft IP products, traced back to the crushing plant testing below the 0.9 % level.

With a large trade deficit for soybean meal, used in animal feed rations, France imports large quantities of soybean meal and soybeans for crushing. The long-term trend is for increasing imports of soybean meal at the expense of soybeans. The biotech debate has resulted in a significant decline in U.S. market share for soybeans: Brazil replaced the United States as France's largest supplier. In MY 2003/04, France imported 4.55 million MT of soybean meal and 470,000 MT of soybeans.

With the official authorization from the Brazilian government of biotech production, biotech soybean production is expected to expand in Brazil. Costs of segregation of these products are therefore expected to increase, resulting in higher prices for IP soybean meal.





Soy lecithin the major soybean ingredient used in human food in France, and used in a wide range of products. French processors specify that the lecithin they use is processed from non-biotech soybean suppliers.

Corn Products

France is no longer importing corn gluten feed for animal feed.

The French starch industry represented by USIPA (http://www.usipa.fr) processes starch from locally-produced corn, wheat and potato. Due to biotech concerns, wheat is increasingly used, partially replacing corn to process starch.

Planting Seeds

France imports soybean and corn planting seeds from the United States. In MY 2003/04, French imports of corn seeds and soybean seeds for sowing from the United States amounted to USD 40.8 million and USD 2.2 million, respectively.

Biotechnology Policy

As part of the European Union, France implements EU Directives and Regulations on biotechnology (please see USEU annual agricultural biotechnology report E35091, dated May 13, 2005).

Coexistence and Product Authorization in France

The French Government is currently finalizing its **Biotech Law**. The text of the new law must be reviewed by the French Conseil d'Etat, which is in charge of examining texts of any proposed law before the Parliament passes a legislation to make a "LAW." The proposed biotech legislation is expected to include the *transposition of EU Directive 2001/18*, national rules on *coexistence*, and a *new evaluation procedure for biotech products*. A French Parliament vote is expected in October 2005. If the EU Directive 2001/18 is not transposed into French law by October 2006, France will have to pay penalties set by the European Court of Justice.

Until the proposed French Biotech Law is adopted, the **evaluation process** for living GMOs is done by the *Commission du Genie Genetique (CGG) (Genetic Engineering Committee)*, the *Commission du Génie Biomoléculaire (CGB) (Biomolecular Engineering Committee)*, and the *Comite de Biovigilance* (monitoring GMOs). These three committees are expected to be replaced by two, one made up of scientists and one from civil society, under the future French Biotech Law (see Paris report FR5030, dated April 18, 2005).

The CGG evaluates the release of biotech products in confined environments. The French competent authority implementing the EU Directive 2001/18 (replacing the 90/220 Directive) is the CGB. This EU Directive sets up the conditions of authorization of GMOs to be released in the environment, but not for food or feed use. The CGB surveys the dossiers presented by petitioners (private biotech companies or public organizations), and approves or disapproves the market release of these GM products. When approved, the dossiers go to the European level, are examined by all the Member States and the European scientific committees, and come back to France for final approval.

The French Loi d'Orientation Agricole (French Orientation Law) of 1999 created the French "*Comité de Biovigilance*", which is a commission in charge of monitoring GMOs once they are released in the environment for experiments or commercial production. This committee was created to principally work on the environmental risks of GMO test plots, but has not effectively worked for a number of years.

The French Food Safety Agency (AFSSA) (http://www.afssa.fr) is the French authority that assesses risks of GMOs to human health, under the Novel Foods Directive. Biotech crops and their derived products for use in food are regulated by the EU regulations 258/97, 49/2000 and 50/2000, 1829/2003 and 1830/2003 (see Traceability and Labeling paragraph below). AFSSA's role in GM assessment has declined since the European Food Safety Agency (EFSA) was created (see USEU annual agricultural biotech report E35091).

Traceability and Labeling
(for further details, please read Paris report FR4062, dated August 11, 2004)

France implemented the EU NF/NF and T&L regulations on April 18, 2004. The Fraud Control Office of the French Ministry of Economy, Finance and Industry (DGCCRF) is the enforcing authority. DGCCRF published several informational fact sheets to help industry adapt to the new regulations, and has also released specific-to-France rules for negative labeling for

product that claim to not have biotech content.

DGCCRF website on biotech food and feed labeling is:
http://www.minefi.gouv.fr/DGCCRF/04_dossiers/consommation/alimentaire/ogm/ogm04b.htm

The EU decree 2004-1058 implementing the new T&L regulation was written into French law and published in the French Official Journal in October 2004 and is available at http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=ECOC0400078D

DGCCRF runs a number of tests annually on the biotech content of animal feed. The most recent results available are for tests conducted on animal feed are from 2003. Of 51 samples tested, 45 percent had no GM content and 43 percent contained between 0.001 and 1 percent GM content. Tests revealed 12 percent of products tested (soybean meal and compound feed including soybean meal) contained more than 1 percent GM content. According to DGCCRF, 90 percent of the animal feed samples tested were in conformity with the legislation. The other 10 percent contented more then 1 percent GM content and were not labeled as having GM content.

GMOs in planting seeds

There is a lack of EU regulation is this sector in terms of biotech traceability, labeling and thresholds, and the French seed industry recommends using the same threshold for biotech as the one set for food and feed, i.e., 0.9 percent. (Please read Paris report FR5045, dated June 22, 2005)

DGCCRF conducts tests on planting seeds for biotech content. In 2003/2004, DGCCRF tested 103 samples of rapeseed, corn and soybean planting seeds, taken from seed companies, importers, and distributors across France. The 103 samples included 82 samples of French origin and 21 samples imported into France (2 from the United States). DGCCRF detected GM content in 4 samples out of the 103 tested with content levels of 0.1 percent.

The Food Directorate of the French Ministry of Agriculture (DGAL) conducts GM content tests on plantings seeds as they are imported into France. In 2003, DGAL tested 238 samples of corn seeds, 38 samples of tomato seeds, and 6 samples of soybean seeds. These tests show that 20 percent of the corn planting seeds had adventitious GM content (all below 0.3 percent, most below 0.1 percent). All tomato seeds samples tested negative for GM content. Two of the six soybean samples tested positive, both below the rate of 0.1 percent.

Cartagena Biosafety Protocol

The EU is a signatory to the Biosafety Protocol, and France is an EU-Member State. The Protocol is followed by the French Ministry of Ecology. The ministries of Agriculture and Economy are also involved in inter-ministerial discussions. Article 18.2 (imposing labeling requirements on shipments that may contain LMOs for food and feed use) of the Protocol is the main obstacle to implementation encountered by France, which has problems with the "may contain" biotech labeling language.

Trade Barriers: Biotech Rapeseed Banned

Two decrees restricting the market release of biotech rapeseed until October 2006 were published in the French Official Journal on August 21, 2004. One postpones the authorization of the herbicide tolerant spring rapeseed created by Agrevo UK Crop Protection

Ltd, and the other postpones the authorization of herbicide tolerant rapeseed presented by Plant Genetic Systems. These decrees are available at:
http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=AGRG0401576A
http://www.legifrance.gouv.fr/WAspad/UnTexteDeJorf?numjo=AGRG0401577A

Marketing Issues

In France, there is a significant problem of market acceptance of agricultural biotech. This is illustrated by actions carried out by anti-biotech groups (mainly Greenpeace, ATTAC, Friends of the Earth, and Confederation Paysanne farmers union) and by the absence of biotech labeled products on supermarket shelves.

Most visible actions by anti-biotech protest groups are many test plot destructions, which usually take place every summer, and have all but stopped private biotech and government research field testing. However, starting in 2005, biotech test plots seem to be getting better protection than in previous years by stricter private security measures and greater police protection. (see Paris report FR5045, dated June 22, 2005).

Less visible to the public, but even more efficient is the pressure imposed by powerful anti-biotech groups on the food and industry and retailers. The most damaging is the Greenpeace website "blacklist" of any biotech food product marketed in France. The publicity generated around these products found in supermarkets is usually so big that the distributor decides to take the product off its shelves. (see Paris report FR5037, dated June 6, 2005).

Faced with the hostile publicity directed at biotechnology, the anti-biotech lobbying by some French industry, the absence of EU biotech labeling requirements for animal products derived from animals fed on biotech, and the lack of political willingness to support agricultural biotechnology, the French public is somewhat hostile to the idea biotech foods. (for a general overview of the various French stakeholders on biotechnology, please see Paris report FR3035, dated July 17, 2003)

Capacity Building and Outreach

Major programs/activities conducted by Post on agricultural biotechnology are:

- Organizing regular meetings between U.S. corn and soybean growers and their French counterparts and other French stakeholders at official visits of American delegations: see Paris report FR5037, dated June 6, 2005 covering the visit of a delegation conducted by the American Soybean Association, and Paris report FR3052, dated September 23, 2003, covering the visit of a delegation of the National Corn Growers Association to the French Corn Growers annual congress.
- Proposing key stakeholders in the French biotech issue to the International Visitor Program: every year, 1 to 3 people in the French government, industry organizations, or from the press visit the United States on the agricultural biotech issue
- Closely monitoring and reporting on any significant development in the issue, especially in terms of policy.

Reference Material

FR5045	Test Plot Destructions Stopped, Activists Change Tactics	6/22/2005
FR5041	Biotech Test Plots in Danger – U.S. Companies Getting Ready	6/14/2005
FR5037	ASA Delegation Meets with French Industry on T&L	6/6/2005
FR5030	Primary Conclusions of French Parliamentary Working Group on Biotech	4/18/2005
FR5023	French Parliamentarians Debate Biotechnology	3/16/2005
FR5014	Biodiversity and Biotechnology	2/17/2005
FR4062	Implementation of NF/NF and T&L Regulations in France	8/11/2004
FR4057	French President Announces Framework Law on Biotech Crops	11/22/2004
FR4045	Anti-GM Protesters Stopped as Paris Backs Up Regional Authorities	9/7/2004
FR4041	French Biotech Supporters Try to Defend Test Plots from Destruction	8/19/2004
FR4036	Biotech Test Crop Destroyed by Activists, More Destructions in the Pipeline	8/5/2004
FR4033	French Food Safety Agency Reports Benefits of Biotech to Human Health	8/02/2004
FR3070	French Reactions to the Non-Approval of Bt 11 GM Corn	12/15/2003
FR3047	French Government Information Campaign on Biotech	11/9/2003
FR3035	Where Does France Stand on Biotech?	7/17/2003
FR3052	French Corn Growers and Biotechnology	9/23/2003